

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
GOGO APPAREL, INC., :
Plaintiff, :
: 19 Civ. 5701 (LGS)
-against- :
: ORDER
DARUK IMPORTS, INC. et al., :
Defendants. :
:
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on June 11, 2020, Judge Aaron issued a Report and Recommendation to grant Plaintiff's application, pursuant to Federal Rules of Civil Procedure 55(a) and 37(b)(2)(A), for entry of default judgment, including a permanent injunction against Defendants Daruk Imports, Inc. and Vinod Kumar Chawla (the "Defendants") (Dkt. No. 60);

WHEREAS, the parties were directed to file written objections within fourteen (14) days (including weekends and holidays) from service of the Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure. *See also* Fed. R. Civ. P. 6(a), (d) (adding three additional days when service is made under Fed. R. Civ. P. 5(b)(2)(C), (D) or (F));

WHEREAS, in reviewing a Magistrate Judge's Report and Recommendation, a District Judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b) Advisory Committee Notes; *accord Niles v. O'Donnell*, No. 17 Civ. 1437, 2019 WL 1409443, at *1 (S.D.N.Y. Mar. 28, 2019);

WHEREAS, no objections were filed as of the date of this Order, and there is no clear

error on the face of the record. In any event, the Court has reviewed the Report and Recommendation and finds no reason to reject or modify it. It is hereby

ORDERED that the Report and Recommendation is adopted. For the reasons stated in the Report and Recommendation, Plaintiff's application for default judgment is **GRANTED**.

Plaintiff is awarded judgment against both Defendants Daruk Imports, Inc. and Vinod Kumar Chawla, jointly and severally, in the amount of \$43,420 (representing \$30,000 in statutory damages for willful copyright infringement under 17 U.S.C. § 504(c), and \$13,020 in attorneys' fees and \$400 in costs pursuant to 17 U.S.C. § 5050). Further, Defendants shall be permanently enjoined from manufacturing, copying, reproducing, distributing, advertising, promoting, offering for sale or selling any product or article (a) bearing any design identical and/or substantially similar to Plaintiff's original two-dimensional textile artwork (the "Subject Design"), which was registered with the United States Copyright Office as Registration No. VA 2-157-423, or (b) comprising or incorporating any protectable matter copied from and substantially similar to the Subject Design.

The Clerk of Court is respectfully directed to mail a copy of this Order at Defendants' last known mailing address -- Daruk Imports, Inc., 1410 Broadway, Room 1203, New York, NY 10018 -- and to enter judgment and close the case.

Dated: July 22, 2020
New York, New York



LORNA G. SCHOFIELD

UNITED STATES DISTRICT JUDGE